

HANSEN, et al.,)	
)	
Plaintiffs,)	Case No. 2:10-cv-001434-MMD-
)	NJK
vs.)	
)	ORDER
STATE FARM MUTUAL AUTOMOBILE)	
COMPANY, et al.,)	
)	
Defendants.)	
)	

BACKGROUND

On December 21, 2012, District Judge Du referred this matter to the undersigned Judge for a settlement conference. Docket No. 179. Pursuant to that order, on January 8, 2013, this Court scheduled a settlement conference to be held on January 25, 2013. Docket No. 182. The Settlement Conference was held as scheduled on January 25, 2013, and, at the request of the Plaintiffs, was continued to March 6, 2013, for additional settlement discussions. Docket No. 188. On March 6, 2013, this Court ordered Plaintiffs Stephen Tanner Hansen and Clarke LeFevre and their counsel Jerome R. Bowen to show cause in writing why they should not be sanctioned pursuant to Fed. R. Civ. P. Rule 16(f), the Court's inherent authority, and/or Local Rule IA 4-1 on the basis of their failure to comply with this Court's order. In particular, Plaintiffs and Mr. Bowen were ordered to show cause why the Court should not (1) impose monetary sanctions in the amount of Defendants' attorney fees in preparing for and attending the March 6, 2013, portion of the settlement conference and (2) impose additional sanctions, up to

1 and including entry of default judgment.

2 On March 13, 2013, the Plaintiffs filed their Response to the Order to Show Cause and
3 the Declaration of Sarah M. Banda in support of the Response. Docket Nos. 198 and 199,
4 respectively. The Plaintiffs filed both motions under seal and filed the Emergency Motion to Seal
5 Response to Order to Show Cause seeking the Court's approval to seal both the Response and the
6 Declaration in Support of the Response. Docket No. 200.

7 DISCUSSION

8 To demonstrate good cause to seal a document, "the party seeking protection bears the
9 burden of showing specific prejudice or harm will result if no protective order is granted."
10 *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1210-11 (9th Cir.2002)).

11 Here, the Plaintiffs have indicated that their Response to the Order to Show Cause
12 contains statements and information relating to confidential settlement discussions. For this
13 reason, the Plaintiffs argue, their Response should not be public.

14 Although the Plaintiffs do not indicate specifically what information, if revealed, will
15 cause it harm, the Court agrees that settlement conference discussions are not intended for the
16 public and are confidential between the Court and the attending parties. For example, the
17 Plaintiffs' Response contains statements relating to offers that were allegedly made during the
18 settlement discussions, and that information should not be available to the public. Accordingly,
19 the Response should remain sealed from the public.

20 However, no good cause exists to seal the Response from the Defendants. The
21 Defendants are already aware of the settlement conference discussions because they were at the
22 settlement conference. As the Court indicated before settlement discussions began, all
23 statements, arguments, and offers made by each party during the settlement conference were
24 presented to the opposing side by the Court, unless a party specifically requested otherwise. The
25 Plaintiffs have not indicated what information in the Response, if any, should not be known by
26 the Defendants nor how such information, if revealed, will cause harm.

27 Finally, the Court believes that a response by the Defendants to the Plaintiffs' Response
28 to the Order to Show Cause would assist the Court in reaching a conclusion on the Order to

1 Show Cause. Accordingly, a copy of the Response to the Order to Show Cause and the
2 Declaration of Sarah M. Banda should be served on the Defendants. Defendants are to respond
3 by March 22, 2012.

4 **CONCLUSION**

5 Based on the foregoing, and good cause appearing therefore,

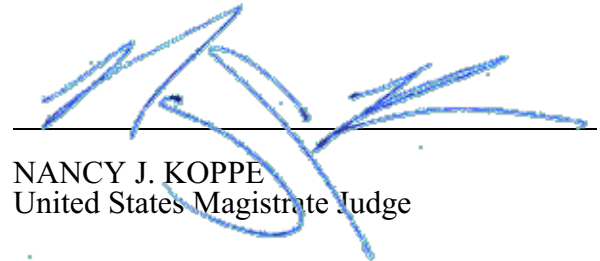
6 IT IS HEREBY ORDERED that Plaintiffs Emergency Motion to Seal Response to Order
7 to Show Cause (#200) is **GRANTED**.

8 IT IS FURTHER ORDERED that the Clerk of the Court shall serve electronically the
9 Response to the Order to Show Cause (#198) and the Declaration of Sarah M. Banda in support
10 of the Response (#199) on the Defendants.

11 IT IS FURTHER ORDERED that the Defendants shall provide the Court with its
12 response to the Response to the Order to Show Cause by March 22, 2013.

13 DATED this 15th day of March, 2013.

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NANCY J. KOPPE
United States Magistrate Judge